

REMARKS

I. Status of the Claims

Claims 1-5 and 7-18 are pending in the application, are under examination, and stand rejected, variously, under 35 U.S.C. §112, second paragraph, 35 U.S.C. §103, and for alleged obviousness-type double-patenting. The specific grounds for rejection, and applicants' response thereto, are set out in detail below.

II. Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1-5 and 7-12 and 14-17 remain rejected as indefinite. Applicants traverse, but in the interest of advancing the prosecution, the claims have been amended to delete the recitation of "p12-similar." Thus, the rejection is believed to be overcome. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

III. Rejection Under 35 U.S.C. §103

Claims 1-4, 11 and 15 are rejected as obvious over Suzuki *et al.* It is argued that one of skill in the art would have substituted the various disclosed buffer systems to arrive at the invention as now claimed, thus, given the broad interpretation of "p12-similar," the claims are obvious in view of the reference. Applicants traverse, but as mentioned above, the claims have been amended to remove the recitation of "p12-similar." As such, it is believed that the rejection is overcome given that Suzuki *et al.* does not teach a p12 phage tail protein. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

IV. Double-Patenting

The examiner has maintained the provisional, non-statutory double-patenting rejection over the '415 application. Because the first allowed case, presumably this one, should be passed to issue an any rejections maintained in the later issuing case, applicants thus need not address those rejections until at least one of the two applications is allowed.

V. Conclusion

In light of the foregoing, applicants respectfully submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. The examiner is invited to contact the undersigned attorney at 512-536-3184 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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